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Report on Plans and Priorities 2013-2014

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Message from the Director of Public Prosecutions

I am pleased to present the 2013-14 Report on Plans and Priorities for the Public Prosecution Service of Canada (PPSC).

The PPSC's mandate is to prosecute cases under federal law, free from any improper influence, and to provide high-quality legal advice to investigative agencies. This report describes how the PPSC implements that mandate through many different areas of prosecution.

This report also outlines the organizational priorities the PPSC has identified for 2013-14 in support of our mandate. These priorities build on our work in previous years, as we continue to focus on the personal security of our employees and employee training and development, as well as on using our resources effectively and working collaboratively with investigative agencies.

The PPSC has developed strategies to address the challenges it continues to face as an organization, such as potential threats to the security of our employees and premises and the need for consistency in the provision of legal advice to stakeholders. These mitigation strategies, coupled with the dedicated efforts of PPSC staff across the country, ensure that we will continue to deliver successfully on our mandate, in keeping with our organizational values of respect, integrity, excellence and leadership.

_____

Brian Saunders
Director of Public Prosecutions

Section I—Organizational Overview

Raison d'être

The Public Prosecution Service of Canada[1] (PPSC) is an independent prosecution service mandated to prosecute offences under federal jurisdiction. Its sole strategic outcome is the prosecution of criminal and regulatory offences under federal law in a manner that is independent, impartial and fair.

The PPSC plays an integral role in the criminal justice system, promoting due process and working to safeguard the rights of all those who come into contact with the system.

The benefits to Canadians from the work carried out by the PPSC include:

- providing legal advice to federal investigative agencies and government departments on the criminal law implications of investigations and prosecutions;
- ensuring the appropriate enforcement of federal laws through principled and independent decisions by prosecutors; and
- maintaining confidence in the administration of justice through professionally conducted prosecutions that result in a judicial determination on the merits of the evidence.

Responsibilities

The PPSC undertakes key duties on behalf of the Attorney General of Canada. These key duties, to be carried out in an objective and non-partisan manner, are:

- **The duty to act independently in making decisions related to criminal prosecutions** – This constitutional principle recognizes that decisions as to whether a prosecution should be brought, continued or ceased, and what the prosecution ought to be for, must be made solely in accordance with legal criteria. The public interest must be taken into account, but not considerations of a partisan political nature.
- **The duty to act independently in providing prosecution-related legal advice** – While prosecution-related advice to law enforcement and other federal

investigative agencies will take into account the agency's legal and policy setting, prosecutors cannot be drawn into the agency's policy making and program administration such that their ability to provide impartial and effective legal advice is undermined.

Areas of Prosecution

The PPSC prosecutes cases under federal statutes that are referred to it by the Royal Canadian Mounted Police (RCMP), other federal investigative agencies, and provincial and municipal police forces.

It is responsible for the prosecution of all drug offences under the *Controlled Drugs and Substances Act*, regardless of whether a federal, provincial, or municipal police agency lays the charges, in all provinces except Quebec and New Brunswick[2]. In the latter two provinces, the PPSC is responsible for drug charges laid by the RCMP only.

In all provinces and territories, the PPSC prosecutes offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act*, *Income Tax Act*, *Copyright Act*, *Canada Elections Act*, *Canadian Environmental Protection Act*, *Competition Act*, *Customs Act*, *Excise Act*, and *Excise Tax Act*), offences involving fraud against the government, capital market fraud offences, along with conspiracies and attempts to violate any of these statutes. In total, over 250 federal statutes contain offences that fall under the PPSC's jurisdiction to prosecute. However, the PPSC is called upon to regularly provide prosecution services under approximately 60 of those statutes.

In the three territories, the PPSC prosecutes all *Criminal Code* offences as well as offences under all other federal legislation and certain territorial statutes. In the provinces, the PPSC has jurisdiction to prosecute a limited number of *Criminal Code* offences, including those related to terrorism, criminal organizations, money laundering, proceeds of crime, and fraud. Under arrangements with the provinces, the PPSC may prosecute *Criminal Code* offences that are otherwise within provincial jurisdiction when the accused also faces more serious charges within federal jurisdiction.

Where required, the PPSC also provides prosecution-related advice to investigators for prosecutions within its jurisdiction. Such advice continues to be crucial to ensure that investigative techniques and procedures are consistent with evolving rules of evidence and protections under the *Canadian Charter of Rights and Freedoms*. The advantage of early prosecutorial advice is that it reduces the risk that operational decisions, such as those about methods of obtaining evidence, will detrimentally affect the admissibility of evidence at trial or the constitutional rights of Canadians.

Organization

The PPSC is a national prosecution service with a network of offices across Canada. As of March 31, 2012, the PPSC had 988 employees, the majority of whom were staff prosecutors, paralegals, Crown Witness Coordinators[3] in its northern offices, and the support staff who assist them. The remainder included senior managers, administrators and corporate services staff.

The PPSC also retains the services of private-sector legal agents in locations where it does not have an office or where it is impractical or otherwise not cost-effective for staff counsel to handle cases. The work of agents is overseen by the PPSC's Agent Affairs Program. The program includes a centralized support unit at headquarters, as well as agent supervision units located in each regional office which are responsible for the day-to-day management of agents. The PPSC currently retains some 210 standing agent firms across Canada, representing approximately 492 individually-appointed counsel. In 2008-09, the PPSC introduced fixed-term agreements for agents, replacing indeterminate appointments. Under this regime, any law firm or lawyer interested in becoming an agent can apply for a five-year term when an opening occurs.

Strategic Outcome and Program Alignment Architecture (PAA)

The PPSC has one strategic outcome (SO) as illustrated in its PAA below. It includes two broad prosecution programs (P) as well as Internal Services.

SO Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.

P Drug, *Criminal Code*, and terrorism prosecution program

P Regulatory offences and economic crime prosecution program

SO The following program supports the strategic outcome within this organization.

P Internal Services

Organizational Priorities

The PPSC operates in a challenging environment where law enforcement and criminal law are always evolving. The organization has demonstrated that it is able to adapt to, and meet, the challenges of this changing environment and in a manner that respects its statutory mandate, its mission statement, and the *Values and Ethics Code for the Public Sector*.

The organizational priorities presented below are designed to help the PPSC fulfill its mandate of providing effective and professional prosecution and legal advisory services, and to enhance certain aspects of its internal services.

Priority	**Type**[4]
Personal security of employees	Ongoing
Description	
Why is this a priority? • Security is the assurance that individuals are protected against threats and intimidation as well as unjustified professional attacks on their integrity or reputation. • Ensuring personal security is particularly important in the current prosecution and law enforcement environment, especially in cases where prosecutions are aimed at individuals with ties to criminal organizations or gangs, or who reject what they perceive as intrusions by the state into their lives. **Plans for meeting the priority** • Finalize implementation of the Employee Protection Program (EPP) by April 2014. • The EEP includes a policy, guidelines and protection measures. As each stage of the Program's implementation is finalized, the PPSC will ensure its employees are informed and trained about the EPP's components and features so that they know what to do and whom to turn to when faced with an act of intimidation or threats.	

Priority	**Type**
Using resources effectively	Ongoing
Description	
Why is this a priority? • The PPSC is committed to maximizing its effectiveness within available funding	

levels. Sustainable service delivery is contingent on the availability of reliable performance information to allow the PPSC to credibly report on its activities and results, as well as to support planning, decision-making, operational goals and funding strategies.

Plans for meeting the priority

- The PPSC will continue to optimize the approach it uses to align resources to case demands.
- The PPSC will continue to improve the capabilities of internal systems to supply the required data to support performance measurement relating to internal and legal services, including a pilot project for the development of benchmarks for high-volume prosecution types. The pilot project will be completed and evaluated by September 2013.

Priority	Type
Employee training and development	Previously committed to

Description

Why is this a priority?

- Each staff member plays a role in achieving our mandate and mission. The PPSC recognizes the need to invest in each of them so that it is able to tackle the complex challenges of today's prosecutions in the most effective manner.
- Given its role as a knowledge organization, employee training and development is paramount to the PPSC's success. This is especially true given the shift in demographics within the public service and the resulting trend in the retirement of experienced employees. Although the PPSC continues to attract a talented, dedicated and varied workforce to replace them, this incoming workforce also brings with it a different set of expectations related to work environment and conditions that must be addressed.

Plans for meeting the priority

- The PPSC is implementing a framework for training and mentoring staff in both the legal and non-legal employment streams.
- Efforts have so far been largely directed to legal staff. These efforts will continue, particularly with regard to the mandatory training required by law societies.
- The PPSC will offer training to a broader cross-section of employees by focusing on user-friendly learning tools that can reach all employees, including e-learning, practical on-the-job training, junioring in major trials, and management training for new managers.
- The PPSC will establish a framework to coordinate its training efforts and initiatives.
- Initiatives related to this priority are being implemented in stages, and will be completed by April 2014.

Priority	Type
Working collaboratively with investigative agencies	Ongoing

Description

Why is this a priority?

- To be effective and efficient as a national prosecution service, the PPSC must work closely with police and federal investigative agencies while maintaining our independence and respecting the independence of these agencies.

- The PPSC must continue to provide police and investigative agencies with prosecution-related advice to promote the use of investigative techniques and procedures that conform to the evolving rules of evidence and to the protections found in the *Canadian Charter of Rights and Freedoms*.

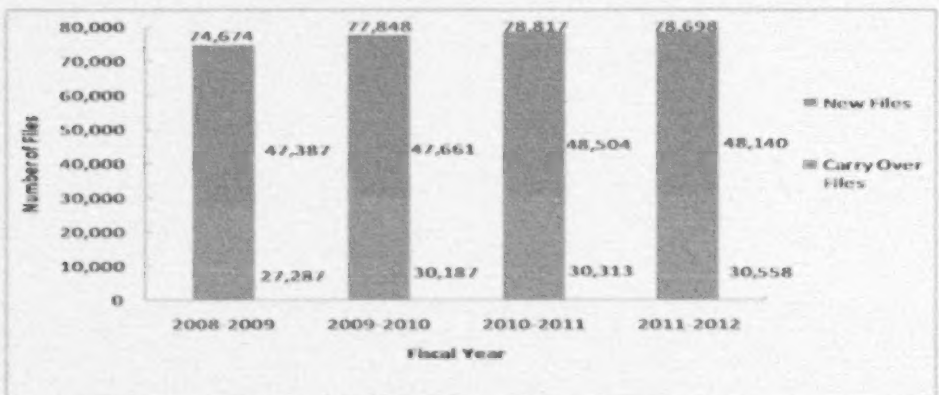
Plans for meeting the priority

- The PPSC will continue its efforts to broaden the use of the Report to Crown Counsel by the police and investigative agencies, and to standardize the information provided to the Crown for court proceedings. This will help to ensure the consistency and completeness of the investigation files sent to the PPSC.
- The PPSC will work in collaboration with investigative agencies to identify additional ways to make pre-charge legal advice available in order to better support their work, and to devise a more structured framework for the provision of legal advice during investigations and court cases. This collaborative effort will also allow the PPSC and investigative agencies to develop training programs for investigators in keeping with the demands arising from current trends in the law and the ongoing evolution of investigative tools and techniques.
- The PPSC will follow up on its *2008 Survey of Investigative Agencies* by seeking updated feedback from investigators in the provinces and territories on the factors that affect their perceptions of PPSC services, and identify possible strategies to enhance these services and the PPSC's working relationship with investigative agencies. Analysis and publication of the survey results will be completed by December 2013.
- The PPSC will put greater emphasis on ensuring ongoing communication and liaison with police and investigative agencies, both at the national and local levels and at the management and front-line levels, to discuss overall enforcement priorities and directions, upcoming investigations, project files, and any other matters of mutual interest.

Risk Analysis

Operational Trends

The PPSC's total volume of litigation files for 2011-12 was 78,698, compared to 78,817 litigation files handled in the previous year. The total for 2011-12 included 48,140 files opened during the year as well as 30,558 files carried over from previous years.



[D]

Approximately 89% of all litigation files were within the drug, *Criminal Code* and terrorism offences prosecution program (which includes organized crime offences), whereas close to 11% involved the prosecution of federal regulatory offences and

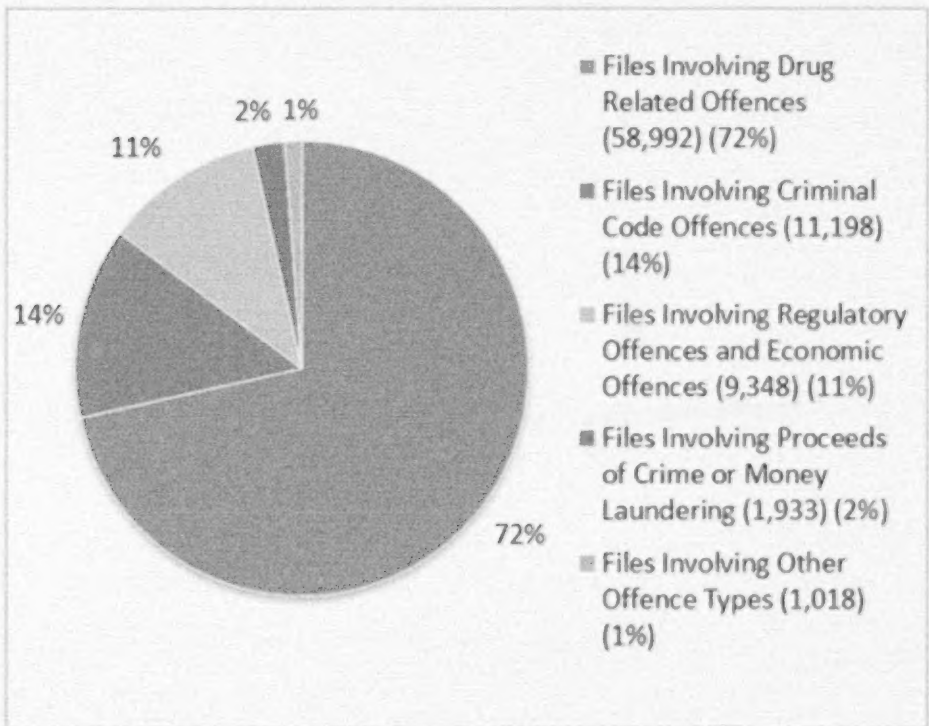
economic crime.

Figure 1 provides a further breakdown of files handled in 2011-12 by offence type[5], whereas Figure 2 indicates the number of hours recorded by prosecutors and paralegals on litigation files in the same offence type categories.

Overall, PPSC legal staff and agents recorded a total of 1,011,018 hours on litigation files handled in 2011-12. However, due to the overlap between files that include more than one offence type, the total number of hours shown in Figure 2 exceeds the actual total by approximately 120,289 hours.

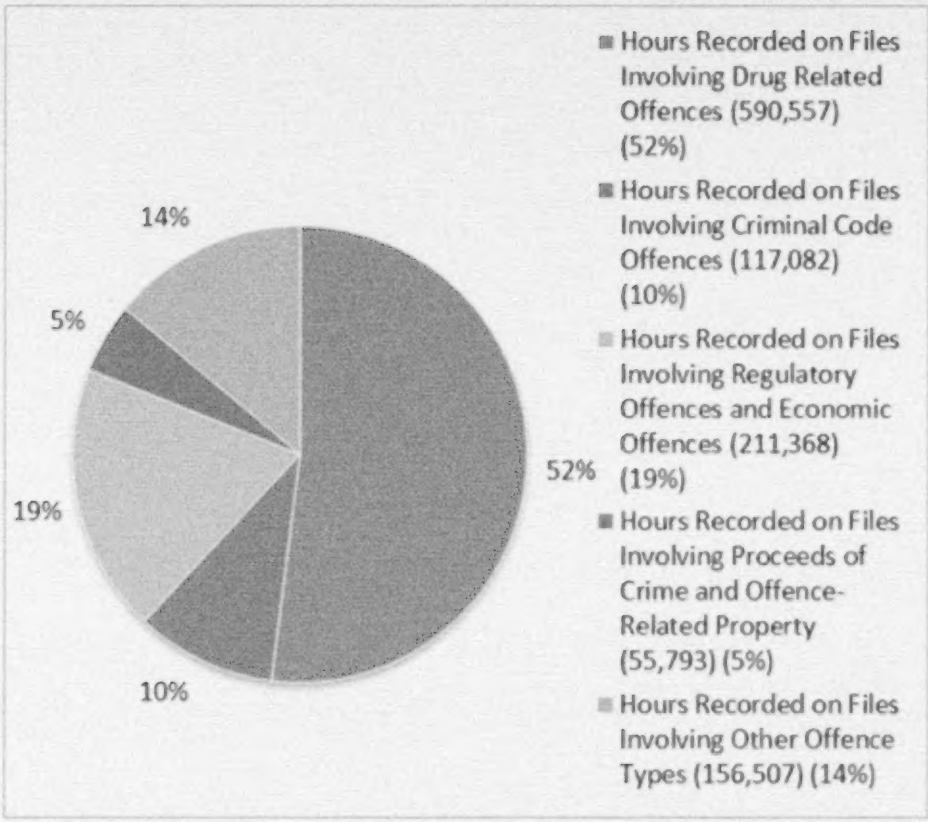
The PPSC does not control the number or type of cases referred to it for prosecution by the police and investigative agencies that lay charges under federal statutes. Its workload is largely based on these agencies' decisions regarding investigative priorities, tactics and resource allocations. As a result, increases in enforcement resources affect the nature and volume of the PPSC's caseload. Similarly, changes in police tactics to focus on the upper echelons of organized crime groups rather than on individuals in the lower ranks affect the complexity, duration and cost of prosecutions.

Figure 1


2%
1%
11%
14%
72%
Files Involving Drug Related Offences (58,992) (72%)
Files Involving Criminal Code Offences (11,198) (14%)
Files Involving Regulatory Offences and Economic Offences (9,348) (11%)
Files Involving Proceeds of Crime or Money Laundering (1,933) (2%)
Files Involving Other Offence Types (1,018) (1%)

[D]

Figure 2


Hours Recorded on Files Involving Drug Related Offences (590,557) (52%)
Hours Recorded on Files Involving Criminal Code Offences (117,082) (10%)
Hours Recorded on Files Involving Regulatory Offences and Economic Offences (211,368) (19%)
Hours Recorded on Files Involving Proceeds of Crime and Offence-Related Property (55,793) (5%)
Hours Recorded on Files Involving Other Offence Types (156,507) (14%)
14%
5%
52%
19%
10%

[D]

An analysis of files handled from 2008-09 to 2011-12 reveals that, over this four-year period, files of low and moderate complexity increased by 6.5%, while high-complexity and mega files increased by 47.4%.

High-complexity and mega cases absorb a disproportionate share of the PPSC's resources. In many instances, a single mega case can absorb more prosecutorial resources than several hundred low complexity cases, as illustrated by the following examples based on files handled in 2011-12:

- Drug mega cases and high complexity cases (usually those involving organized crime) that were handled by staff prosecutors represented only 2.24% of the drug litigation caseload but 36% of the time recorded by PPSC staff counsel and paralegals for drug-related litigation activities. This demonstrates how a small increase in the number of organized crime cases in response to strengthened law enforcement efforts across Canada can lead to a significant increase in the demand for prosecutorial resources.
- National security cases (such as those involving charges laid under the *Security of Information Act* and the terrorism provisions of the *Criminal Code*) accounted for only 11 litigation files in 2011-12, but over 12,730 hours recorded against these files by prosecutors and paralegals. These cases also often involve time-consuming applications for disclosure under Section 38 the *Canada Evidence Act*, protracted litigation of issues such as the constitutionality of relatively recent legislation, challenges to wiretaps and other judicial authorizations, as well as other complex questions of criminal procedure and evidence.
- Although high-complexity and mega cases in regulatory and economic crime prosecutions program represented only 11.8% of the total caseload in that area of prosecutions in 2011-12, these files accounted for approximately 60% of overall time recorded in this category of prosecution files handled by staff prosecutors and paralegals.

In December 2011, the PPSC staffed five Senior General Counsel positions located in five regional offices, with two more to be appointed shortly. These positions are the highest expert level. The incumbents can be called upon to provide strategic legal advice and services on any legal file, in any PPSC office across Canada. Similarly, they can be asked to lead on the most complex and high profile cases. While these positions have a national dimension and support senior management across Canada, Senior General Counsel also support the Chief Federal Prosecutor in the office in which they are located. In 2013-14, these counsel are expected to play a role in cases of national interest including significant regulatory cases, as well as cases relating to organized crime and national security.

As of April 1, 2013, the PPSC will implement a revised complexity assessment grid for litigation files. It retains the low, moderate and high complexity categories, but the mega category will be collapsed into the high complexity level. The revised grid will categorize files as follows:

Low	Moderate	High
Generally defined as routine cases involving the application of well-established legal principles to relatively straightforward facts.	Cases that generally involve more complex factual situations or legal issues.	Generally include cases which: 1. involve highly complex factual policy or legal issues; or 2. raise legal issues in areas: • where the law is new or not clearly established, or • that present multiple or complex policy and/or legal issues that require significant preparation.

Complexity levels help to ensure that appropriate resources are assigned to the files and also assist the PPSC in measuring overall workload and level of effort for litigation files. A complexity level must be assigned to each file when it is opened, and if required, must be modified as the file progresses. Files can only be assigned a high level of complexity in consultation with the supervisor or manager.

Risk Profile

During 2012-13, the PPSC developed its Corporate Risk Profile in accordance with the Treasury Board Secretariat (TBS) *Guide to Integrated Risk Management* and *Guide to Risk Profiles*, both of which are based on the management standard ISO 31000. The profile outlines the main risks that, should they materialize, could affect the PPSC's capacity to fulfill its mandate, and also describes related key mitigation strategies. These are summarized below:

Capacity of the criminal justice system: Delays in the criminal justice system may cause inefficiency for prosecutors and other participants, and negatively affect the administration of justice. The capacity of the criminal justice system is being challenged by increases in the complexity of cases and in the rates of crime in certain regions such as the North. The PPSC seeks to mitigate such risks by, for example, enhancing its communications with police and other investigative agencies during the course of an

investigation to ensure the investigation is a prosecutable case.

Resourcing pressures: The PPSC is facing a range of resourcing pressures, including cost recovery issues due to some federal departments and agencies expressing disagreement in principle regarding the PPSC's authority to recover costs; and increased costs for records storage and management. The PPSC has established an internal committee to conduct a review of organizational structures, functions and work processes in order to identify efficiencies and mitigate resourcing pressures.

Internal legal capacity: A lack of PPSC capacity to take on additional prosecution work might result in delays in handling cases, increased absenteeism or burnout, as well as reduced effectiveness. This risk is being driven by a variety of factors, including challenges in the recruitment and retention for senior lawyers in certain regions such as the North (due to the requirement for extensive travel to remote locations); a loss of staff to provincial prosecution services in certain regions; and decisions made by investigating agencies to pursue complex investigations. In order to mitigate this risk, the PPSC is continuing its recruitment, international training and mentoring efforts; increasing consultations with police services and enforcement agencies concerning their investigative priorities that might affect the PPSC; and preparing thorough prosecution plans on high complexity cases to ensure that the appropriate resource levels are assigned.

Provision of legal advice to external stakeholders: There is a risk that PPSC staff in different regional offices could provide materially inconsistent advice to investigators on an identical issue, potentially having a detrimental effect on the administration of justice and negatively affecting the PPSC's reputation with investigative agencies. This risk could be caused by breakdowns in communications between headquarters and regional offices. In addition, turnover in police and regulatory agencies provides an ongoing requirement for the PPSC to provide advisory services to ensure that investigations are pursued in line with all applicable standards and practices. There is also a high volume of high-complexity investigations that place demands on advisory services pertaining to proper procedures for the collection and handling of evidence. In order to mitigate these risks, the PPSC continues to improve internal communications and strengthen its liaison with policing and regulatory agencies so that investigations are conducted appropriately and evidence is acquired and retained correctly.

Security of employees and premises: Due to the nature of the PPSC's work, employees may be exposed to threats and intimidation, and the PPSC's property or staff property could be damaged. The PPSC continues to develop its security program to address potential security risks.

Planning Summary

The following tables provide a summary of the total planned spending for the PPSC for the next three fiscal years.

Financial Resources (Planned Spending—$ millions)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
162.4	169.4	162.5	160.8

Human Resources (Full-Time Equivalents—FTEs)

2013–14	2014–15	2015–16
1000	1000	1000

Planning Summary Table ($ millions)

Strategic Outcome: **Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.**	
Performance Indicators	**Targets**
• Number and nature of judicial stays for abuse of process based on the conduct of a federal prosecutor. • Number and percentage of successful malicious prosecution lawsuits. • Number and nature of substantiated complaints regarding the PPSC's independence, impartiality or fairness.	• Zero • Zero • Zero

Program	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16	Alignment to Government of Canada Outcomes
Program #1: Drug, *Criminal Code*, and terrorism prosecution program	111.9	117.1	125.7	130.7	124.9	125.3	Social Affairs: A safe and secure Canada
Program #2: Regulatory offences and economic crime prosecution program	13.1	14.0	18.3	16.6	16.2	16.2	
Sub-total	**125.0**	**131.1**	**144.0**	**147.3**	**141.1**	**141.5**	

The variances between the fiscal years for the Drug, *Criminal Code*, and terrorism prosecution program are as follows:

- $5.2 million increase in spending in 2011-12 is mostly due to an increase in staffing, and severance pay and termination benefits disbursements;
- $8.6 million increase in 2012-13, mostly due to the 2011-12 carry forward, the lapse for restoring the effectiveness of Federal Policing, and an increase in contributions to employee benefit plans. This amount was offset by the savings identified as part of the Budget 2012 Spending Review; and
- $5.0 million increase in 2013-14, mostly due to the lapse of a portion of the funding for the mandatory minimum penalties for serious drug offences in 2012-13 (the funding for this initiative was released in March 2012).

The variances between the fiscal years for the Regulatory offences and economic prosecution program are as follows:

- $0.9 million increase in spending in 2011-12, mostly due to an increase in staffing, and severance pay and termination benefits disbursements;
- $4.3 million increase in 2012-13, due to the $2.5 million lapse for the Integrated Market Enforcement Teams, and $1.8 million for other adjustments; and
- $1.7 million decrease in 2013-14, mostly due to the savings identified as part of the Budget 2012 Spending Review, and is offset by the increase from the operating lapse in 2012-13.

Planning Summary Table for Internal Services ($ millions)

Program	Actual Spending	Actual Spending	Forecast Spending	Planned Spending		
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Internal Services	21.3	25.3	21.7	22.1	21.4	19.3
Sub-total	**21.3**	**25.3**	**21.7**	**22.1**	**21.4**	**19.3**

The $4.0 million increase in internal services spending in 2011-12 is mostly due to leasehold improvements, severance pay and termination benefits disbursements, and an increase in staffing.

The variances between the fiscal years are due to the following:

- The $3.6 million decrease in 2012-13 is mostly due to the savings identified as part of the Budget 2012 Spending Review and for severance pay and termination benefits disbursements.
- A $2.4 million decrease from 2012-13 to 2015-16, mostly due to the relocation of offices and various other adjustments.

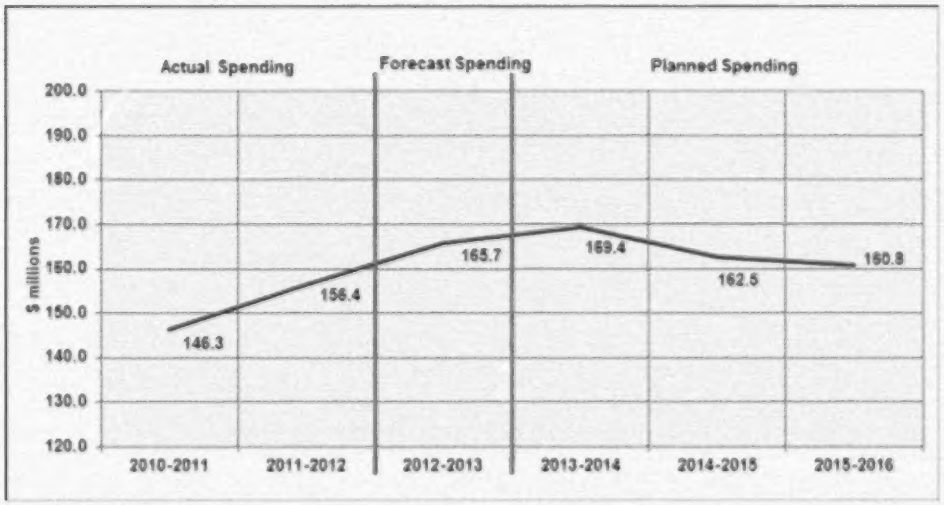
Planning Summary Total ($ millions)

Programs and Internal Services	Actual Spending	Actual Spending	Forecast Spending	Planned Spending		
	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Total	146.3	156.4	165.7	169.4	162.5	160.8

Expenditure Profile

As noted in the financial resources summary presented above, the PPSC plans to spend $169.4 million in 2013-14 to achieve the expected results of its programs and to contribute to its strategic outcome. The following chart illustrates the PPSC's spending trends from 2010-11 to 2015-16.

Spending Profile



[D]

The variances between the fiscal years are due the following:

1. A $10.1 million increase in 2011-12 expenditures resulting from increases for disbursements of severance pay and termination benefits; increased staffing; and

leasehold improvements.

2. A $9.3 million overall increase in the 2012-13 forecast spending due to a total increase of $20.7 million that included funding carried forward from 2011-12; a lapse in 2011-12 for the Restoring the Effectiveness of Federal Policing Initiative (which was set aside in a frozen allotment); an increase in contributions to employee benefit plans, a statutory expenditure; and a lapse for the Integrated Market Enforcement Teams, which includes a contingency reserve. This increase is offset by a decrease of $11.4 million comprised of savings identified as part of the Budget 2012 Spending Review; and severance pay and termination benefits disbursements.
3. A $3.7 million increase in 2013-14 planned spending, due to a total increase of $9.8 million comprised of a lapse of a portion of funding for the mandatory minimum penalties for serious drug offences (the funding for this initiative was released in March 2012); and an expected operating lapse in 2012-13. This increase is offset by a decrease of $6.1M comprised of items under Budget 2010 Strategic Review; and severance pay and parental leave allowance.
4. A $6.9 million decrease in 2014-15 planned spending, due to funding carried forward from 2012-13.
5. A $1.7 million decrease in 2015-16 planned spending, due to a $2.0 million decrease in spending for the relocation of offices offset by a $0.3 million net increase for other adjustments.

Estimates by Vote

For information on our organizational appropriations, please see the *2013-14 Main Estimates* publication.

Section II—Analysis of Programs by Strategic Outcome

Strategic Outcome

The PPSC has one Strategic Outcome: *Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.*

Program #1: Drug, *Criminal Code* and terrorism prosecution program

Financial Resources ($ millions)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
124.8	130.7	124.9	125.3

The difference of $5.9 million between the 2013-14 Main Estimates and 2013-14 Planned Spending, and the decrease in 2014-15 are due to the 2012-13 carry forward.

Human Resources (Full-Time Equivalent—FTE)

2013–14	2014–15	2015–16
680	680	680

Program Expected Results	Performance Indicators	Targets
Litigation files that are prosecuted are decided	% of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other / lesser offence), conviction, conviction (other / lesser offence), withdrawal, stay of	Not applicable

on merit[6]	proceedings (Crown), discharge, acquittal)	
Disposition of cases that are not decided on merit[7]	% of litigation files not decided on merit: stay of proceedings (Court), quashed	Not applicable

Program Description

This program supports the protection of society against crime through the provision of legal advice and litigation support during police investigations, and the prosecution of:

1. all drug offences under the *Controlled Drugs and Substances Act* and any related organized crime offences throughout Canada, except in Quebec and New Brunswick, where the PPSC prosecutes such offences only where charges are laid by the RCMP;
2. proceeds of crime offences;
3. pursuant to understandings with the provinces, *Criminal Code* offences where they are related to drug charges;
4. all *Criminal Code* offences in the three territories;
5. terrorism offences; and
6. war crimes and crimes against humanity offences.

This program also involves the promotion of federal/provincial/territorial cooperation on criminal justice issues of mutual concern.

Planning Highlights for 2013-14

Within this program, two ongoing priorities relate to organized crime and offences related to national security.

The ongoing focus on organized crime reflects the priority given to this issue by the federal police and other law enforcement authorities. The PPSC will continue to emphasize inter-jurisdictional cooperation within the prosecutorial community and with investigative agencies both federally, nationally and internationally; provide advice and litigation support during the investigative stage, especially on highly complex cases; prosecute organized crime cases on behalf of the Crown; and pursue proceeds of crime and offence-related property. While all PPSC regional offices prosecute organized crime cases, a number of them are involved in highly complex and resource-intensive cases that will continue through 2013-14, and will require dedicated teams of experienced counsel.

Amendments flowing from the *Safe Streets and Communities Act*[8] that came into force in 2011-12 are expected to increase the number of cases that go to trial as well as the length and complexity of those trials. The reduced availability of conditional sentences, as well as changes to the *Youth Criminal Justice Act* (*YCJA*), which will result in more young persons being subject to custodial sentences upon a guilty finding, can also be expected to result in fewer guilty pleas and more persons choosing to proceed to trial. The *YCJA* changes will have the greatest impact on the three PPSC offices in the North, which handle the majority of cases involving young offenders. Finally, the advent of higher minimum mandatory penalties in the *Criminal Code* for sexual offences involving children, as well as the reduced availability of conditional sentences, can also be expected to particularly affect Northern prosecutions because of the number of such prosecutions conducted by the PPSC.

The priority given to offences related to terrorism and espionage reflects the gravity of their impact on Canada's national security, international relations and national defence. These cases are usually resource-intensive, requiring senior prosecutors, paralegals and support staff to devote significant energies to ensure that the cases can be decided on the merits.

Two cases involving offences under the *Crimes Against Humanity and War Crimes Act* will extend into 2013-14. The PPSC's first prosecution under the Act resulted in the conviction of Désiré Munyaneza for genocide, crimes against humanity, and war crimes in relation to events that occurred in Rwanda in 1994. Mr. Munyaneza received a life sentence in 2009. An appeal was filed in September 2012, and is scheduled to be heard in April 2013. A second case, *R. v. Mungwarere*, concerns a Rwandan national who was residing in Windsor, Ontario in 2009 and was charged with genocide and crimes against humanity. The trial has been underway since March 31, 2012.

As in previous years, the PPSC will work closely with federal/provincial/territorial heads of prosecution on issues and challenges of common interest. As part of this work, the PPSC will continue to co-chair, and provide secretarial and administrative support to, the FPT Heads of Prosecution Committee and to ensure ongoing linkages between the Committee and partners from outside the prosecution community. The PPSC will also continue to participate in the work of the Heads of Prosecuting Agencies Conference and the International Association of Prosecutors.

During 2013-14, the PPSC again expects to receive foreign delegations interested in criminal justice and seeking to deepen their understanding of the Canadian justice system and Canadian prosecution approaches, particularly in relation to drug and terrorism prosecutions.

Program #2: Regulatory offences and economic crime prosecution program

Financial Resources ($ millions)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
16.2	16.6	16.2	16.2

The difference between the 2013-14 Main Estimates and 2013-14 Planned Spending of $0.4 million, and the decrease in 2014-15 are due to the 2012-13 carry forward.

Human Resources (Full-Time Equivalent—FTE)

2013–14	2014–15	2015–16
190	190	190

Program Expected Results	Performance Indicators	Targets
Litigation files that are prosecuted are decided on merit	% of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other / lesser offence), conviction, conviction (other / lesser offence), withdrawal, stay of proceedings (Crown), discharge, acquittal)	Not applicable
Disposition of cases that are not decided on merit	% of litigation files not decided on merit: stay of proceedings (Court), quashed	Not applicable

Program Description

This program supports the protection of society against crime through the provision of legal advice and litigation support to police and federal investigative agencies, and the

prosecution of:

1. offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act, Income Tax Act, Copyright Act, Canada Elections Act, Canadian Environmental Protection Act, Competition Act, Customs Act, Excise Act,* and *Excise Tax Act*);
2. offences involving fraud against the federal government;
3. capital market fraud offences; and
4. conspiracies and attempts to violate any of these statutes.

This program also includes the recovery of outstanding federal fines and the promotion of federal/provincial/territorial cooperation on criminal justice issues of mutual concern.

Planning Highlights for 2013-14

The further development and implementation of various elements of the PPSC's vision for Law Practice Management are planned for 2013-14. This will include the ongoing work on the major revision of the *Federal Prosecution Service Deskbook*[9]; the provision of customized advanced and basic training through its School for Prosecutors, including the development and delivery of training on oral advocacy; and supplementing the PPSC's knowledge management *Intranet* site with additional training and legal resources for prosecutors and paralegals.

The PPSC will continue to support Canada's efforts to combat the bribery of foreign public officials through the provision of pre-charge advice to the RCMP and the prosecution of offences under the *Corruption of Foreign Public Officials Act (CFPOA)*. Specifically, the PPSC will support the two dedicated RCMP International Anti-Corruption teams which are currently engaged in more than 35 active investigations. In addition, the PPSC will continue to prosecute offences under the *CFPOA*, such as *R. v. Karigar*, which is the first contested trial under this act.

In January 2013, the Crown expressed its intention to appeal the ruling of a judge of the Supreme Court of British Columbia declaring Section 117 of the *Immigration and Refugee Protection Act* inconsistent with the Constitution and of no force and effect. The case is expected to extend into 2013-14.

In addition, the PPSC will continue to work closely with federal-provincial-territorial heads of prosecution on issues and challenges of common interest in the areas of regulatory offences and economic crime. The Securities Fraud and Economic Crime Prosecutors Affiliation will be continuing discussions on organizing a training session in 2013-14 for prosecutors who handle capital market offences cases, and on developing best practices in areas such as information sharing and immunity agreements.

The Affiliation will be working on the development of a shared Intranet site on economic crime, accessible to prosecutors and other members of the Affiliation. The PPSC will also continue to actively participate in symposia and other training activities which focus on regulatory offences and economic crime prosecutions, and to host delegations interested in those areas of prosecution.

The PPSC's Agent Affairs Program will continue to implement fixed-term agreements for agents, replacing indeterminate appointments which were subject to termination without notice. This multi-year transition began in 2009; fixed-term agreements will be in place in all jurisdictions across Canada by 2014. Under the new regime, any law firm or lawyer interested in becoming a federal prosecution agent can apply for a five-year term when an opening occurs in a jurisdiction. Agents are selected pursuant to a competitive process that includes screening and reference checks. Further information about the fixed-term regime is available on the PPSC's website.

Program #3: Internal Services

Financial Resources ($ millions)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
21.4	22.1	21.4	19.3

The difference between the 2013-14 Main Estimates and 2013-14 Planned Spending of $0.7 million and the decrease in 2014-15 are due to the 2012-13 carry forward.

The decrease of $2.1 million in 2015-16 is due to decreased spending on the relocation of offices.

Human Resources (Full-Time Equivalent—FTE)

2013–14	2014–15	2015–16
130	130	130

Planning Highlights

Internal Services comprise groups of related activities that support the above two programs and other corporate accountabilities. Three of the PPSC's organizational priorities under Section I above (i.e., Employee Training and Development, Using Resources Effectively, and Personal Security of Employees) are related to Internal Services and support the PPSC's prosecution programs. Additional planning highlights for Internal Services are described below.

- ***Financial Management and Acquisitions (Procurement and Assets Management):*** The Directorate will provide strategic financial advice and guidance on the development of a model to centralize funding for prosecutions; continue to implement the Treasury Board *Policy on Internal Control*; and implement a new service delivery model for financial management and acquisitions.
- ***Human Resources Management:*** The PPSC People Management Strategy will be updated to reflect evolving organizational commitments and anticipated operational requirements. Additional priorities for 2013-14 include continued efforts to address employee satisfaction through the PPSC Public Service Employee Survey Action Plan and the implementation of the Common Human Resource Business Process. The Process is an initiative to establish a common, integrated, business process for efficiently managing people across the Public Service of Canada. It consists of structured activities and tasks meant to be applied in a common manner.
- ***Information Management and Technology (IMT):*** The PPSC will renew its memorandum of understanding (MOU) with the Department of Justice (JUS) for the continued provision of a range of information management, information technology and library services. It will also negotiate new formal agreements with Shared Services Canada for the provision of data centre, network and email services previously delivered by JUS under this MOU. The Directorate will continue to work on several initiatives including enabling technologies to support electronic disclosure and knowledge management and will initiate a new cycle of IM-IT planning in 2013-14. It will also increase the use of laptops to support prosecution staff in the courtroom. Following the recent signing of a Records Disposition Authority (RDA) with Library and Archives Canada, a number of IM processes will be established to support the RDA.
- ***Administration Services:*** The PPSC's Administration Services plans to complete the relocation of the PPSC Headquarters in Ottawa, the Nunavut Regional Office's premises in Iqaluit and the Calgary local office of the Alberta Regional Office, all in compliance with the Government of Canada's new Workplace 2.0 Fit-Up standard. The Administration Services will also work on the establishment of the PPSC Strategic Security Plan; the implementation of the PPSC Employee Protection Program for the safety and security of staff; the entrenchment of the recently established Informal Conflict Management services through an MOU with a third-party provider; and the establishment of a policy and procedures for the

prevention of violence in the workplace in accordance with the requirements of the *Canada Labour Code*.

Section III: Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations and Net Financial Position
For the Year (ended March 31)
($ millions)

	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total expenses	-4.4	192.7	197.1
Total revenues	3.4	17.7	14.3
Net cost of operations before government funding and transfers	-7.8	175.0	182.8
Net financial position	11.3	-5.0	-16.3

Future-Oriented Condensed Statement of Financial Position
For the Year (ended March 31)
($ millions)

	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	-11.5	32.6	44.1
Total net financial assets	0.6	21.4	20.8
Net debt	-12.1	11.2	23.3
Total non-financial assets	-0.8	6.2	7.0
Net financial position	11.3	-5.0	-16.3

Future-Oriented Financial Statements

The PPSC's financial statements can be found on its website.

List of Supplementary Information Tables

All electronic supplementary information tables can be found in the 2013-14 Reports on Plans and Priorities on the PPSC website.

- Sources of Respendable and Non-Respendable Revenue
- Internal Audits

Tax Expenditures and Evaluation Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations* publication. The tax measures presented in the *Tax Expenditures and Evaluations* publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

Public Prosecution Service of Canada
284 Wellington Street – 2nd Floor
Ottawa, Ontario K1A 0H8
613-957-7772
1-877-505-7772
info@ppsc.gc.ca

Additional Information

The following publications are available at the PPSC's website.

- Public Prosecution Service of Canada Annual Report 2011-2012
- The Federal Prosecution Service Deskbook
- Public Prosecution Service of Canada Annual Report on the *Access to Information Act* 2011-2012
- Public Prosecution Service of Canada Annual Report on the *Privacy Act* 2011-2012

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[1] *Office of the Director of Public Prosecutions* (ODPP) is the PPSC's legal title, whereas *Public Prosecution Service of Canada* (PPSC) is its applied title.

[2] In New Brunswick, the RCMP acts as the provincial police and also provides police services to some municipalities.

[3] The role of Crown Witness Coordinators is to explain the criminal justice process to victims and witnesses, prepare them to testify in court and, where required, bridge the cultural gap between prosecutors, who are generally from southern Canada, and victims and witnesses from the North.

[4] Type is defined as follows: **previously committed to**—committed in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP.

[5] The total number of files shown in Figure 1 exceeds 78,698 files since the percentages relate to offence types. Individual litigation files often include multiple offences falling under more than one offence type.

[6] A case is decided on its merits when a judge or jury determines the guilt or innocence of an accused person after a trial. A case is also considered to be decided on its merits where a judge determines after a guilty plea that a conviction is appropriate, or where a Crown prosecutor stays or withdraws a charge as a result of an assessment that the case does not meet the test for prosecution or as result of a plea of guilty being entered to a serious charge rendering proceedings on a less serious charge redundant.

[7] Cases not decided on merit are those that are stayed or quashed by the Court, and for which, as a result, there is no outcome decided by a judge or jury based on the evidence of guilt or innocence. A judicially imposed stay will generally mean discontinuance or permanent suspension of the proceedings.

[8] Pursuant to section 3(3)(c) of the *Director of Public Prosecutions Act*, the Director of Public Prosecutions has issued a number of prosecution guidelines relating to the *Safe Streets and Communities Act*. These guidelines are available to the public on the PPSC website.

[9] The *Federal Prosecution Service (FPS) Deskbook* is a policy manual governing all PPSC staff prosecutors and legal agents.